IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 763 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JAGDISHBHAI TULSIDAS KATIA

Versus

SUNITA LAXMANDAS TOLANI

Appearance:

MR YM THAKKAR for Petitioner No. 1-3

MR UM SHASTRI for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 27/06/2001

ORAL JUDGEMENT

1. During the hearing for admission, the learned advocate for the petitioners pointed out that earlier the District Judge, Panchmahals, District : Godhra directed the trial Court to decide the suit i.e. Regular Civil Suit No.175 of 1993 within 10 months from the date of the said order. It is also pointed out that as proceedings of Regular Civil Suit No.175 of 1993 could not be disposed of as per the above stated order, Special Civil Application No.8728 of 1999 was filed by the present

petitioner Nos.1, 2 and 3 and in the proceedings of the said Special Civil Suit No.8728 of 1999 vide order dated 18/11/1999, this Court (Coram : Mr.A.M.Kapadia,J.) observed that the petitioner is granted permission to approach before the District Judge, Panchmahals at Godhra and to make a representation for passing appropriate orders to expedite the disposal of Regular Civil Suit No.175 of 1993. This Court also directed the District Judge to look into the matter by giving administrative direction to the concerned Judge of the trial Court for expeditious hearing of Regular Civil Suit No.175 of 1993. It is submitted on behalf of the petitioners that the then District Judge also passed an order, directing the trial Court to dispose of the suit expeditiously. Furthermore, it is pointed out that vide order dated 7/8/2000, this Court (Coram Mr.Kundan Singh.J.) called for explanation from the 4th Joint Civil Judge (S.D.), Godhra for not disposing of the matter as per the earlier order.

2. In the context of above stated facts, the learned advocate requested that if fresh direction is issued to the trial Court to dispose of the proceedings of Regular Civil Suit No.175 of 1993 within a stipulated period, the petitioner would not press further prosecution of the petition. Hence, the following operative order is passed.

(A) Learned advocates for the petitioners as well as respondent are hereby directed to file undertaking before the trial Court that their respective clients shall invariably remain present before the trial Court on stipulated date and in the event of default, the trial Court shall proceed further with the matter in accordance with law, dispensing with the presence of the parties. Such undertaking shall be filed by the parties within the period of three weeks from the date of issuance of certified copy of this order.

(B) The learned advocates for the petitioners as well as respondent are also directed to advise their respective clients for withdrawing the unnecessary applications pending before the trial Court and/or not to press any pending application and straightway the parties shall proceed with the evidence as per the issues already framed by the trial Court.

(C) On compliance of the above two conditions by the

parties to the suit, the trial Court shall conduct the proceedings of Regular Civil Suit No.175 of 1993 as expeditiously as possible and shall dispose of the same within a period of three months from the date of service of this order.

Subject to the above stated directions, the petition stands disposed of as withdrawn. Direct service is permitted to both the sides.

(A.K.Trivedi,J.)

(vrpanchal)*